

# **EXHIBIT “D”**



**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

	X	
	)	
IN RE: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	Civil Action No. 01-CV-12257-PBS
	)	
	)	
	X	
	)	
THIS DOCUMENT RELATES TO:	)	Hon. Patti B. Saris
International Union of Operating Engineers,	)	
Local No. 68 Welfare Fund v. AstraZeneca PLC	)	
et al. Civil Action No. 04-11503-PBS	)	
	)	
	X	

**DEFENDANT ASTRAZENECA'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS TO DEFENDANT DR. SAAD ANTOUN**

Defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca"), by its counsel,  
hereby requests, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, that  
Defendant Dr. Saad Antoun produce within thirty (30) days of service the documents  
listed below.

**DEFINITIONS**

1. "You" or "your" means Defendant Dr. Saad Antoun, and any attorneys,  
and their employees, acting on your behalf.

2. "Plaintiff's Counsel" means the counsel of record for the plaintiff in the  
IUOE Action and other lawyers at the counsel of record's law firms who are familiar  
with the IUOE Action.

3. The "IUOE Action" means International Union of Operating Engineers,  
Local No. 68 Welfare Fund v. AstraZeneca PLC et al., Civil Action No. 04-11503-PBS



(D. Mass.). This action was originally filed in New Jersey Superior Court (Monmouth County) and was removed on July 3, 2003 to United States District Court for the District of New Jersey (Civil Action No. 03-3230 (SRC) (D.N.J.)). On December 3, 2003, the Joint Panel on Multidistrict Litigation transferred the case for coordinated and consolidated pretrial proceedings to the Average Wholesale Price ("AWP") Multidistrict Litigation (MDL No. 1456, Civil Action No. 01-CV-12257-PBS (D. Mass.)).

4. The term "Complaint" means the Class Action Complaint filed in connection with the IUOE Action in the Superior Court of New Jersey, Monmouth County, on or about June 30, 2003.

5. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.

6. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, telephone records, message slips or their electronic equivalent, and electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

8. The term "person" is defined as any natural person or any business, legal, or governmental entity or association.

9. The term "concerning" means relating to, referring to, describing, evidencing, or constituting.



10. "Copy" or "Copies," when used in reference to a document, means any color or black-and-white reproduction of a document, regardless of whether the reproduction is made by means of carbon paper pressure, sensitive paper, photostat, xerography, or other means or process.

11. "Relating" means in any way concerning or referring to, consisting of, involving, regarding or connected with the subject matter of the request.

### INSTRUCTIONS

1. Unless otherwise specifically stated, the requests below refer to the period of January 1, 2002 to the present.

2. The singular form of a noun or pronoun shall include within its meaning the plural form of the noun or pronoun and vice versa; the masculine form of a pronoun shall include within its meaning the feminine form of the pronoun and vice versa; and the use of any tense of any verb shall include within its meaning all other tenses of the verb.

3. Each request for production of documents extends to all documents in the possession, custody, or control of you or anyone acting on your behalf. A document is to be deemed in your possession, custody, or control if it is in your physical custody, or if it is in the physical custody of any other person and you (a) own such document in whole or in part; (b) have a right, by contract, statute, or otherwise, to use, inspect, examine, or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine, or copy such document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine, or copy such document when you sought to do so.



4. If production is requested of a document that is no longer in your possession, custody, or control, your response should state when the document was most recently in your possession, custody, or control, how the document was disposed of, and the identity of the person, if any, presently in possession, custody, or control of such document. If the document has been destroyed, state the reason for its destruction.

5. Provide the following information for each document withheld on the grounds of privilege:

- (a) its date;
- (b) its title;
- (c) its author;
- (d) its addressee;
- (e) the specific privilege under which it is withheld;
- (f) its general subject matter; and
- (g) a description of it that you contend is adequate to support your contention

that it is privileged.

6. These requests for production of documents are continuing in nature pursuant to Rule 26 of the Federal Rules of Civil Procedure so as to require, whenever necessary, continuing production and supplementation of responses between the initial date for production set forth above and the time of trial.

7. The documents produced must be produced as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request.



8. To the extent that you consider any of the following requests for production of documents objectionable, please respond to the remainder of the production request, and separately state the part of each request to which you object and each ground for each objection.

**DOCUMENTS TO BE PRODUCED**

1. All documents concerning any communications between you and Plaintiff's Counsel, relating in any way, in whole or in part, to the IUOE Action, including notes of conversations with Plaintiff's Counsel in which the IUOE Action was discussed.
2. All documents concerning any communications between you and counsel for Defendant AstraZeneca Pharmaceuticals LP, relating in any way, in whole or in part, to the IUOE Action, including notes of conversations with counsel for AstraZeneca Pharmaceuticals LP in which the IUOE Action was discussed.
3. All documents concerning, reflecting, evidencing, or relating to the service of the summons and/or Complaint in the IUOE Action on you or the waiver of service by you or counsel acting on your behalf, including, but not limited to, proof of service, mailing, or shipping via Federal Express, or other courier records, receipts, correspondence, e-mails, or records of a similar kind.
4. All documents concerning any proposals or agreements with plaintiff herein or with Plaintiff's Counsel regarding you or the IUOE Action.



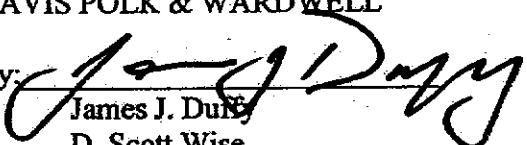
5. All documents concerning any communications between you and Plaintiff's Counsel with respect to communications or proposed communications with the Courts in which the IUOE Action is or has been pending.

Dated: September 16, 2005  
New York, New York

Respectfully submitted,

DAVIS POLK & WARDWELL

By:

  
James J. Duff  
D. Scott Wise  
Kimberley Harris  
450 Lexington Avenue  
New York, New York 10017

- and -

FOLEY HOAG LLP

Nicholas C. Theodorou  
Lucy Fowler  
155 Seaport Boulevard  
Boston, MA 02110

Attorneys for AstraZeneca  
Pharmaceuticals L.P.



**CERTIFICATE OF SERVICE**

Docket No. MDL 1456

I, James J. Duffy, hereby certify that I am one of Defendant AstraZeneca's attorneys and that on September 16, 2005, I caused Defendant AstraZeneca's First Request For Production Of Documents To Defendant Dr. Saad Antoun, to be served on Dr. Antoun's counsel, Joseph Gorrell, Wolf Block Schorr and Solis-Cohen, LLP, 1010 Eisenhower Parkway, Roseland, N.J. 07068, via Federal Express overnight delivery. I further certify that the same was served on all counsel of record by causing the same to be posted electronically via Verilaw.

Dated: September 16, 2005

  
James J. Duffy



# **EXHIBIT “E”**



**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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	)	
IN RE: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	Civil Action No. 01-CV-12257-PBS
	)	
	)	

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	)	
THIS DOCUMENT RELATES TO:	)	Hon. Patti B. Saris
International Union of Operating Engineers,	)	
Local No. 68 Welfare Fund v. AstraZeneca PLC	)	
et al. Civil Action No. 04-11503-PBS	)	
	)	

**DEFENDANT ASTRAZENECA'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS TO DEFENDANT DR. STANLEY C. HOPKINS**

Defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca"), by its counsel,  
hereby requests, pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, that  
Defendant Dr. Stanley C. Hopkins produce within thirty (30) days of service the  
documents listed below.

**DEFINITIONS**

1. "You" or "your" means Defendant Dr. Stanley C. Hopkins, and any attorneys, and their employees, acting on your behalf.
  
2. "Plaintiff's Counsel" means the counsel of record for the plaintiff in the IUOE Action and other lawyers at the counsel of record's law firms who are familiar with the IUOE Action.
  
3. The "IUOE Action" means International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al., Civil Action No. 04-11503-PBS



(D. Mass.). This action was originally filed in New Jersey Superior Court (Monmouth County) and was removed on July 3, 2003 to United States District Court for the District of New Jersey (Civil Action No. 03-3230 (SRC) (D.N.J.)). On December 3, 2003, the Joint Panel on Multidistrict Litigation transferred the case for coordinated and consolidated pretrial proceedings to the Average Wholesale Price ("AWP") Multidistrict Litigation (MDL No. 1456, Civil Action No. 01-CV-12257-PBS (D. Mass.)).

4. The term "Complaint" means the Class Action Complaint filed in connection with the IUOE Action in the Superior Court of New Jersey, Monmouth County, on or about June 30, 2003.

5. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.

6. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, telephone records, message slips or their electronic equivalent, and electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

7. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

8. The term "person" is defined as any natural person or any business, legal, or governmental entity or association.

9. The term "concerning" means relating to, referring to, describing, evidencing, or constituting.



10. "Copy" or "Copies," when used in reference to a document, means any color or black-and-white reproduction of a document, regardless of whether the reproduction is made by means of carbon paper pressure, sensitive paper, photostat, xerography, or other means or process.

11. "Relating" means in any way concerning or referring to, consisting of, involving, regarding or connected with the subject matter of the request.

### INSTRUCTIONS

1. Unless otherwise specifically stated, the requests below refer to the period of January 1, 2002 to the present.

2. The singular form of a noun or pronoun shall include within its meaning the plural form of the noun or pronoun and vice versa; the masculine form of a pronoun shall include within its meaning the feminine form of the pronoun and vice versa; and the use of any tense of any verb shall include within its meaning all other tenses of the verb.

3. Each request for production of documents extends to all documents in the possession, custody, or control of you or anyone acting on your behalf. A document is to be deemed in your possession, custody, or control if it is in your physical custody, or if it is in the physical custody of any other person and you (a) own such document in whole or in part; (b) have a right, by contract, statute, or otherwise, to use, inspect, examine, or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine, or copy such document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine, or copy such document when you sought to do so.



4. If production is requested of a document that is no longer in your possession, custody, or control, your response should state when the document was most recently in your possession, custody, or control, how the document was disposed of, and the identity of the person, if any, presently in possession, custody, or control of such document. If the document has been destroyed, state the reason for its destruction.

5. Provide the following information for each document withheld on the grounds of privilege:

- (a) its date;
- (b) its title;
- (c) its author;
- (d) its addressee;
- (e) the specific privilege under which it is withheld;
- (f) its general subject matter; and
- (g) a description of it that you contend is adequate to support your contention

that it is privileged.

6. These requests for production of documents are continuing in nature pursuant to Rule 26 of the Federal Rules of Civil Procedure so as to require, whenever necessary, continuing production and supplementation of responses between the initial date for production set forth above and the time of trial.

7. The documents produced must be produced as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request.



8. To the ~~extent~~ that you consider any of the following requests for production of documents objectionable, please respond to the remainder of the production request, and separately state the part of each request to which you object and each ground for each objection.

**DOCUMENTS TO BE PRODUCED**

1. All documents concerning any communications between you and Plaintiff's Counsel, relating in any way, in whole or in part, to the IUOE Action, including notes of conversations with Plaintiff's Counsel in which the IUOE Action was discussed.
2. All documents concerning any communications between you and counsel for Defendant AstraZeneca Pharmaceuticals LP, relating in any way, in whole or in part, to the IUOE Action, including notes of conversations with counsel for AstraZeneca Pharmaceuticals LP in which the IUOE Action was discussed.
3. All documents concerning, reflecting, evidencing, or relating to the service of the summons and/or Complaint in the IUOE Action on you or the waiver of service by you or counsel acting on your behalf, including, but not limited to, proof of service, mailing, or shipping via Federal Express, or other courier records, receipts, correspondence, e-mails, or records of a similar kind.
4. All documents concerning any proposals or agreements with plaintiff herein or with Plaintiff's Counsel regarding you or the IUOE Action.



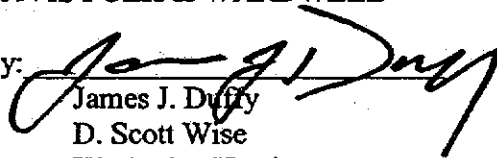
5. All documents concerning any communications between you and Plaintiff's Counsel with respect to communications or proposed communications with the Courts in which the IUOE Action is or has been pending.

Dated: September 16, 2005  
New York, New York

Respectfully submitted,

DAVIS POLK & WARDWELL

By:

  
James J. Duffy  
D. Scott Wise  
Kimberley Harris  
450 Lexington Avenue  
New York, New York 10017

- and -

FOLEY HOAG LLP

Nicholas C. Theodorou  
Lucy Fowler  
155 Seaport Boulevard  
Boston, MA 02110

Attorneys for AstraZeneca  
Pharmaceuticals L.P.

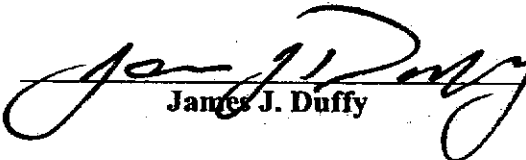


**CERTIFICATE OF SERVICE**

Docket No. MDL 1456

I, James J. Duffy, hereby certify that I am one of Defendant AstraZeneca's attorneys and that on September 16, 2005, I caused Defendant AstraZeneca's First Request For Production Of Documents To Defendant Dr. Stanley C. Hopkins, to be served on Dr. Hopkins' counsel, Jack Fernandez, Zuckerman, Spaeder LLP, 101 East Kennedy Boulevard, Suite 1200, Tampa, Florida 33602, via Federal Express overnight delivery. I further certify that the same was served on all counsel of record by causing the same to be posted electronically via Verilaw.

Dated: September 16, 2005

  
James J. Duffy



# **EXHIBIT “F”**





County) and was removed on July 3, 2003 to United States District Court for the District of New Jersey (Civil Action No. 03-3230 (SRC) (D.N.J.)). On December 3, 2003, the Joint Panel on Multidistrict Litigation transferred the case for coordinated and consolidated pretrial proceedings to the Average Wholesale Price ("AWP") Multidistrict Litigation (MDL No. 1456, Civil Action No. 01-CV-12257-PBS (D. Mass.)).

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### **INSTRUCTIONS**

1. Unless otherwise specifically stated, the requests below refer to the period of January 1, 2002 to the present.

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4. If production is requested of a document that is no longer in your possession, custody, or control, your response should state when the document was most



recently in your possession, custody, or control, how the document was disposed of, and the identity of the person, if any, presently in possession, custody, or control of such document. If the document has been destroyed, state the reason for its destruction.

5. Provide the following information for each document withheld on the grounds of privilege:

- (a) its date;
- (b) its title;
- (c) its author;
- (d) its addressee;
- (e) the specific privilege under which it is withheld;
- (f) its general subject matter; and
- (g) a description of it that you contend is adequate to support your contention

that it is privileged.

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7. The documents produced must be produced as they are kept in the usual course of business or organized and labeled to correspond with the categories in the request.

8. To the extent that you consider any of the following requests for production of documents objectionable, please respond to the remainder of the production



request, and separately state the part of each request to which you object and each ground for each objection.

**DOCUMENTS TO BE PRODUCED**

1. All documents concerning any communications between you and Plaintiff's Counsel, relating in any way, in whole or in part, to the IUOE Action, including notes of conversations with Plaintiff's Counsel in which the IUOE Action was discussed.
2. All documents concerning any communications between you and counsel for Defendant AstraZeneca Pharmaceuticals LP, relating in any way, in whole or in part, to the IUOE Action, including notes of conversations with counsel for AstraZeneca Pharmaceuticals LP in which the IUOE Action was discussed.
3. All documents concerning, reflecting, evidencing, or relating to the service of the summons and/or Complaint in the IUOE Action on you or the waiver of service by you or counsel acting on your behalf, including, but not limited to, proof of service, mailing, or shipping via Federal Express, or other courier records, receipts, correspondence, e-mails, or records of a similar kind.
4. All documents concerning any proposals or agreements with plaintiff herein or with Plaintiff's Counsel regarding you or the IUOE Action.



5. All documents concerning any communications between you and Plaintiff's Counsel with respect to communications or proposed communications with the Courts in which the IUOE Action is or has been pending.

Dated: September 16, 2005  
New York, New York

Respectfully submitted,

DAVIS POLK & WARDWELL

By: 

James J. Duffy  
D. Scott Wise  
Kimberley Harris  
450 Lexington Avenue  
New York, New York 10017

- and -

FOLEY HOAG LLP

Nicholas C. Theodorou  
Lucy Fowler  
155 Seaport Boulevard  
Boston, MA 02110

Attorneys for AstraZeneca  
Pharmaceuticals L.P.



**CERTIFICATE OF SERVICE**

Docket No. MDL 1456

I, James J. Duffy, hereby certify that I am one of Defendant AstraZeneca's attorneys and that on September 16, 2005, I caused Defendant AstraZeneca's First Request For Production Of Documents To Defendant Dr. Robert A. Berkman, to be served on Dr. Berkman's counsel, Robert L. Washburn, Cloppert, Latanick, Sauter & Washburn, 225 East Broad Street, Columbus, Ohio 43215, via Federal Express overnight delivery. I further certify that the same was served on all counsel of record by causing the same to be posted electronically via Verilaw.

Dated: September 16, 2005

  
James J. Duffy